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DATE: May 3, 2007

TO: Examiner SAMS, Matthew C. **FAX NO.:** 571-273-8300
USPTO GPAU 2617

FROM: Jeffrey G. Toler
Reg. No.: 38,342

RE U.S. App. No.: 10/668,686, filed September 23, 2003

Applicant(s): Larry B. Pearson, et al.

Atty Dkt No.: 1033-SS00414

Title: LOCATION BASED CALL ROUTING FOR CALL ANSWERING SERVICES

NO. OF PAGES (including Cover Sheet): 7

MESSAGE:

Attached please find:

☒ Transmittal Form (1 pg)
☒ Reply Brief (5 pgs)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

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Application Number	10/668,686
Filing Date	September 23, 2003
First Named Inventor	Larry B. Pearson, et al.
Art Unit	2617
Examiner Name	SAMS, Matthew C.
Attorney Docket Number	1033-SS00414

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
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- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Toler Schaffer, LLP		
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Date	5-2-2007	Reg. No.	38,342

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Attorney Docket No.: 1033-SS00414

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	**Larry B. Pearson, et al.**		
Title:	**LOCATION BASED CALL ROUTING FOR CALL ANSWERING SERVICES**		
App. No.:	**10/668,686**	Filed:	**September 23, 2003**
Examiner:	**SAMS, Matthew C.**	Group Art Unit:	**2617**
Atty. Dkt. No.:	**1033-SS00414**	Confirmation No.:	**1039**

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REPLY BRIEF

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Claims 1-11, 13-27, 29-36 and 42 are Allowable

This Reply Brief is filed in reply to the Examiner's Answer dated March 22, 2007. Appellants respectfully maintain that each of the claims 1-11, 13-27, 29-36 and 42 are allowable.

Neither Davidson, nor Goss, disclose sorting a list of a plurality of addresses identifying communication devices of a subscriber based on location data. Goss discloses determining whether each of a plurality of telephone devices is near a subscriber but not sorting a list of the plurality of devices according to location. In fact, Goss discloses that when two or more telephone devices are within a certain proximity of the user, the telephone device to which a call is routed is determined according to a "priority scheme" defined by the user. (*See* Goss Abstract, FIGS. 5-6, col. 5, ll. 38-53).

The Examiner seemingly attempts to overcome the fact that Goss does not disclose sorting a list of a plurality of addresses identifying communication devices of a subscriber based on location data, by making a distinction between sorting a list and "ordering a list." (*See* Examiner's Answer, p. 13). Nonetheless, the Examiner provides no alternative definition of sorting which would not involve arranging the various constituents of a list into a certain order. Moreover, the Examiner does not point to any passage in Goss that would demonstrate or support such an alternative definition.

The most that Appellant can glean from this alleged distinction is that the Examiner is attempting to argue that Goss may implicitly suggest sorting a list of addresses into a group that is not within a proximity threshold and a group that is within the proximity threshold. Goss, however, does not disclose such a process. Goss discloses dipping into a local database and comparing location information with individual locations of subscriber specified telephones until a match is found. Goss does not disclose, and this "dipping" process does not suggest, separating the entire database into groups.

Further, with respect to Claim 13, the Examiner seems to reverse field and argue that Goss does, in fact, disclose an ordered list of addresses, which are reordered based on a changed proximity zone field. Whereas the Examiner argues that Claim 1 is met by Goss specifically

because Claim 1 recites "sorting a list" *and not* "ordering a list," the Examiner now argues that Goss somehow teaches both an ordered list of addresses and even dynamic reordering of such a list. Nonetheless, the Examiner points to no passage in Goss where this in found. Instead, the Examiner offers only the seemingly ambivalent "opinion" that Goss discloses ordering and dynamic reordering of a list of addresses. (*See* Examiner's Answer, p. 14).

With respect to Claim 23, Davidson does not disclose a proximity sensor that is a charging cradle configured to provide energy to a battery within a mobile device when the mobile device is positioned in the charging cradle. The Examiner attempts to satisfy this element by pointing to a specific device disclosed in Davidson (the IR1000 manufactured by Infrared, Inc.) and a broad statement that the IR1000 is intended to be built into other equipment. (*See* Examiner's Answer, p. 14). The Examiner rounds out the argument by stating that the use of the IR1000 in a rotary phone and a mobile phone is essentially the same, because the concepts of a rotary phone and mobile phone are similar. (*See* Examiner's Answer, p. 14).

Fundamentally, Appellant has not claimed a concept. Appellant has specifically claimed a proximity sensor that is a charging cradle configured to provide energy to a battery within a mobile device. The Examiner has pointed to no passage in Davidson that discloses the ability of the IR1000 or any other proximity sensor to provide energy to a battery of a mobile device, no matter what device employs it. Hence, even the dubious assertion that a rotary phone and a mobile phone are so similar as to be essentially the same does not support the argument that Davidson meets the elements of the claim.

Appellant additionally maintains that the combination of Davidson and Goss is improper. The naked assertion that the references are within the same field of endeavor is insufficient to support their combination, particularly where the combination of the references would render each reference unsuitable for its intended purpose. Goss forwards calls to a location near a proximity sensor, as the proximity sensor is located on a subscriber's person. (*See* Goss, col. 1, ll. 51-52). Davidson, on the other hand, forwards calls away from a proximity sensor, as the proximity sensor is placed at a telephone station set from which the subscriber is absent. (*See* Davidson, col. 1, l. 63 – col. 2, l. 7).

Moreover, Davidson specifically discloses that both the cost *and complexity* of monitoring the locations of individuals is undesirable *and unnecessary*. (Davidson, col. 1, ll. 58-60). Davidson not only teaches that the systems and methods of Goss are undesirably complex, but it also teaches that such systems and methods are unnecessary, i.e., need not be considered when solving similar problems. Advances in time and technology do not remedy teachings that some solutions to a problem are undesirably complex and unnecessary, as taught by Davidson with respect to systems that track locations of individuals, such as that disclosed by Goss.

Hence, in view of the foregoing, and for reasons stated in Appellant's Appeal Brief dated November 29, 2006, Appellant respectfully submits that the combination of Davidson and Goss is improper and the rejections based thereon should be withdrawn.

In addition, Appellant submits that each of the claims depending from the independent claims 1, 13 and 23 are allowable. Neither Gross, nor Theimer, disclose the elements of claims 1, 13 and 23, that are not disclosed by Davidson and Goss. Hence, the dependent claims are allowable at least by virtue of their dependencies from claims 1, 13 and 23, which Appellant has shown to be allowable.

CONCLUSION

For at least the above reasons, all pending claims are allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney at the address indicated. Appellant respectfully requests reconsideration and allowance of all claims and that this patent application be passed to issue.

Respectfully submitted,

5-2-2007
Date

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